

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)

ANTONIO CABALLERO,

CASE NO.: 3:20-cv-04485-MGL

Plaintiff,

v.

FUERZAS ARMADAS  
REVOLUCIONARIAS DE COLOMBIA,  
*et al.*,

Defendants,

v.

BANK OF AMERICA, N.A.,

Garnishee,

and,

PETRÓLEOS DE VENEZUELA, S.A.,

Intervenor.

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**NOTICE OF JOINT STATUS REPORT**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE THAT, in accordance with the Text Order issued by U.S. District Judge Mary Geiger Lewis on June 3, 2021 [D.E. 44], Plaintiff Antonio Caballero (“Caballero”), Garnishee Bank of America, N.A. (“BANA”), and Intervenor, Petróleos de Venezuela, S.A. (“PDVSA”), by and through their respective counsel of record, hereby provide the following joint status report:

1. On June 2, 2021, the Court stayed these proceedings. D.E. 43. In its stay order, the Court acknowledged that “Caballero and PDVSA are currently litigating similar issues in the United States District Court for the Western District of New York (the ‘WDNY Proceeding’) and the Southern District of Texas Proceeding (the ‘Texas Proceeding’).” *Id.* at 2.

2. Further, as noted in the previous Joint Status Reports [D.E. 47, D.E. 49, D.E. 51, D.E. 53, D.E. 55, D.E. 57, D.E. 59, D.E. 61, D.E. 63, D.E. 65, D.E. 67, D.E. 69, D.E. 71, D.E. 73], PDVSA, represented by White & Case LLP, and Caballero have briefed certain pertinent issues (many of which are relevant to this garnishment proceeding), including subject matter and personal jurisdiction, and the issue of PDVSA's agency or instrumentality status, in both the WDNY Proceeding and the Texas Proceeding.

3. As mentioned in the previous status report, the court presiding over the WDNY Proceeding ordered that such proceeding be held in abeyance pending a decision from the Second Circuit in *Havlish v. Bin Laden*, No. 23-258 (2d Cir. 2023) (the "*Havlish* Action"). D.E. 65 at ¶ 4. No motions are pending in the WDNY Proceeding. *Id.*

4. The Second Circuit heard oral argument in the *Havlish* Action on October 9, 2024. *Havlish*, Doc. No. 255. As of March 3, 2025, no decision has been issued in the *Havlish* Action.

5. As previously noted, the Texas Proceeding, which had been stayed in favor of the WDNY Proceeding, was unstayed to allow the parties to brief the preclusive effect of final judgment in *Caballero v Vitol, Inc*, No. 4:21-cv-00140 (S.D. Tex.), and to request a broader lifting of the stay, if any party so wished. D.E. 67 ¶¶ 5-6. After briefing was completed, on February 12, 2025, the court in the Texas Proceeding held a motion hearing to determine whether to lift the stay and grant PDVSA's motion to vacate (Texas Proceeding, D.E. 74). Texas Proceeding, D.E. 81 at 1. The court in the Texas Proceeding denied without prejudice PDVSA's request to lift the stay to decide its motion to vacate and ordered that "[t]he issue may be freely raised again following the anticipated ruling by the Second Circuit" in the *Havlish* Action. *Id.* The stay in the Texas Proceeding remains in effect.

6. All parties agree that continuation of the stay is warranted.

7. This Court will be notified of any rulings regarding the aforementioned matters.

Dated: March 3, 2025.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of March 2025, the undersigned electronically filed the foregoing document with the Clerk of Courts by using the CM/ECF system.

/s/ William N. Nettles  
William N. Nettles